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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
 JEREMY DAVIS, CHRISTOPHER
 CASTILLO, and MONIQUE TRUJILLO
 individually and on behalf of all similarly
 situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No.: 5:20-cv-03664-LHK-SVK

**DECLARATION OF JAMES W. LEE IN
 SUPPORT OF PLAINTIFFS'
 OPPOSITION TO GOOGLE LLC'S
 ADMINISTRATIVE MOTION TO
 ENLARGE TIME TO FILE ANSWER TO
 SECOND AMENDED COMPLAINT**

(CIVIL LOCAL RULE 6-3)

DECLARATION OF JAMES W. LEE

I, James W. Lee, declare as follows.

1. I am a partner with the law firm of Boies Schiller Flexner LLP, counsel for Plaintiffs in this matter. I am an attorney appearing *pro hac vice* in this case. I have personal knowledge of the matters set forth herein and am competent to testify.

2. This case was first filed on June 2, 2020 and Plaintiffs filed their First Amended Complaint on September 21, 2020 (the “FAC”). Dkt. 68.

3. After the Court denied Google’s motion to dismiss the FAC, the parties entered into a stipulation permitting Plaintiffs to file their Second Amended Complaint (the “SAC”), which the Court granted on April 15, 2021. Dkts. 136, 138.

4. After Plaintiffs filed their SAC, in July 2021 the parties engaged in discussions about Google’s anticipated answer and affirmative defenses, particularly to at least the factual allegations and five causes of action from FAC which remained the same in the SAC. Google refused to provide an answer or affirmative defenses to the FAC.

5. Following the Court’s denial of Google’s motion to dismiss the SAC, Google’s counsel and I met and conferred about the Case Management Schedule as well as Google’s request for additional time to file an answer to the SAC.

6. I reiterated to Google that with fast-approaching deadlines, any agreement to extend Google’s time to file an answer to the SAC would need to be part of a stipulation to a proposed modification of the Case Management Schedule.

7. Ultimately, the parties could not agree to the relief Plaintiffs sought, and Plaintiffs filed their Motion for Relief from Case Management Schedule on December 31, 2021. Dkt. 370. Google’s counsel then requested a two-week extension to answer the SAC.

8. After considering Google’s request, I quickly informed Google’s counsel that Plaintiffs could not agree because “with discovery deadlines approaching, [Plaintiffs] will need Google to answer promptly so that [Plaintiffs] can proceed with any necessary discovery that may result.”

9 11. Without the benefit of Google’s answer and affirmative defenses, Plaintiffs are
10 disadvantaged and without sufficient knowledge to ascertain what facts are in dispute, or ascertain
11 what defenses Google may employ. This unduly burdens Plaintiffs’ preparations for taking and
12 defending depositions.

/s/ James W. Lee